

**Department of Corrections Advisory Council**  
**Meeting Minutes**  
**September 8, 2006**  
**Boulder, Montana**

## **Opening Statements**

Vice Chairman, Sen. Gallus, opened the meeting and welcomed everyone that attended.

## **Members Present**

Sen. Steve Gallus, Mikie Baker-Hajek, Rep. Tim Callahan, Dave Castle, Rep. Gail Gutsche, Emery Jones, Red Menahan, Sen. Mike Cooney, Dorothy Bradley, Robert Ross, Sen. Jim Shockley, Allan Underdal, Valarie Weber, Rep. Larry Jent and George Corn. Channis Whiteman attended on behalf of member Carl Venne.

## **Old Business**

### **Inmate Transportation System**

Mike Mahoney, Warden, Montana State Prison

Warden Mahoney briefly went over the August monthly report.

### **Staff Transportation Pilot Project**

Warden Mahoney

Sen. Gallus asked for a brief update on the pilot project. Warden Mahoney stated the project covered all shifts and has been well received. The cost is minimal to the employees. He stated the system reduces overtime and helps with recruitment & retention. Two major factors for reimplementation are the price of gas and winter driving hazards. MSP is requesting funds for the first year and then look to long term grants for further funding.

### **Medical / Health Care Report**

Gary Hamel, administrator of the Health, Planning, & Information Services Division

Mr. Hamel reported that a full time medical doctor has been hired for MSP. The MSP dentist recently retired and the department is advertising for the position. MSP is utilizing an outside provider in the interim. The new dentist will oversee system-wide dental services, not just MSP. The major focus will be on preventative care to lessen the need for emergency procedures.

Prerelease centers are targeted to have nursing staff in all centers. This will help defray medical costs. Community based resources will be used to help with costs when offenders are released back into the community. Discharge planning teams, a new concept, may be utilized to help with transition by locating services.

ACA standards regarding compliance monitoring of health care will be a goal to achieve and nurse staffing will be written into all the contracts.

A PREA grant targeting adult facilities will be forth coming and all staff in the department will participate in mandatory training. Inmates charged with assaults and false reporting will be prosecuted. MWP has asked NIC for assistance in helping identify inmate on inmate abuse/assaults. MSP and MWP have requested additional surveillance cameras for their respective facilities through the PREA grant. CCC in Shelby has strict policies/procedures in place dealing with sexual assault issues. A confidential toll-free line to report assaults has been installed and line staff has been trained as to prevention and treatment procedures if assaults occur. General consensus is to try to lessen the stigma of reporting assaults and creating a safer environment for not only inmates but staff. The grant does not pertain to juveniles as all reports of abuse dealing with juveniles are required by law to be reported to DPHHS for investigation.

The department is working closely with DPHHS as there is a shared client base, both youth and adult. Both agencies are researching evidence based treatment modalities for offenders and coordinating information, resources, and will work on a continuum of services. Currently, Adult Community Corrections has working relationships with local social workers, and is also working on a program, in conjunction with MCDC, for chemical dependency intervention.

The STEP program, also known as the Dr. X Project, is still in process. This project is important enough for both agencies to get it going. Funding for the project is still in question.

One subject that also came up was transportation of mentally ill inmates and mentally ill civil commits. The district courts sometimes request transport for mental health civil commits. The department does not transport these as they are not under department jurisdiction. DPHHS is looking at legislation for these types of movements. Types of restraints was also a focus and whether chemical or physical should be used. The council was told that community safety is paramount and the issue will need to be studied and a determination as to the level of restraints used and a decision could be on a case by case basis.

## **New Business**

## **Summary of National Institute of Corrections study of**

## **jail overcrowding in Montana**

Roland Mena, Executive Director, Montana Board of Crime Control

In November 2005, the Montana Board of Crime Control (MBCC) hosted a detention dilemma planning meeting in order to begin development of a strategic response to statewide jail crowding. A set of issues and problems were identified as well as proposed action steps. One of these steps was to seek external assistance in designing a comprehensive local system assessment that would inform the Board of Crime Control regarding the dimensions of the local jail population capacity issues. The consultant team traveled to Montana and toured and received briefings on four local jail facilities. The goals of these meetings and visits were to assess the factors contributing to the perceived jail crowding problem, and develop recommendations for action the state might take to alleviate the pressure on the local jails and potentially stem the tide of offender population growth. Some of the key points, as they relate to the department, were alternatives and diversions for technical violation and revocations to prison.

## **Mental Health Oversight/Criminal Justice Task Force**

Mignon Waterman, chairwoman

Mrs. Waterman gave a quick overview of the recommendations of the Criminal Justice Task Force of Mental Health Oversight and Advisory Council. The Council applauds the Department of Correction's commitment to special needs, for example, by developing the Behavioral Health Program Facilitator position and applauds its commitment to develop a Special Needs Offender Unit at Montana State Hospital.

Three areas of concern for mental health needs are peer support services such as employment, for local crisis services to be proactive to crisis situations and how the criminal justice system handles mentally ill offenders. A staff member from corrections needs to be appointed to the Council and Gary Hamel's name was submitted for consideration.

## **ISP Screening Committees**

Non agenda presentation by Capt. Dennis McCave of the Yellowstone County sheriff's office.

Capt. McCave came to the meeting to share the concern over not having local ISP screening committees. He stated that it is critical to the communities to have involvement in this process. His letter of concern is in the report section of the website.

Craig Thomas, executive director of the Board of Pardons and Parole stated that a standard parole plan can only be denied if the plan is inappropriate for a documented and legitimate reason. An ISP plan can be also being denied if the plan is inappropriate for a documented and legitimate reason. As required by law,

the citizen parole board has all factors and conducted a public hearing and determined that the offender is a reasonable risk. The community has had input through the citizen board and through the public hearing process. The appropriate time to object and provide input is at the time of the consideration. Law enforcement and the community are notified by the board of an offender's parole consideration. In his opinion, neither a local committee nor the Department of Corrections has the authority to overrule a board decision and must supervise offenders in accordance with the orders of the Board. Montana law clearly gives the Board the authority and responsibility of determining whether or not a prison inmate should be released and under what conditions and the Department of Corrections the responsibility of supervising offenders in accordance with board orders. Mr. Thomas also pointed members to 46-23-201 46-23-202 and 46-23-1002, MCA.

There was conflicting understanding from the council members, whether the committees were disbanded or still functioning. The council would like this issue on the November agenda.

## **Study Subcommittee Recommendations**

Rep. Gail Gutsche

Rep. Gutsche gave a quick overview of the subcommittee meetings and that the focus was on community corrections.

The discussion started with possibly enacting a law similar to Proposition 36, a 2000 California law that mandates court-supervised treatment instead of incarceration for those nonviolent offenders convicted a first- or second-time of simple drug possession. After some discussion, Sen. Shockley made a motion to move this topic to the November meeting and the motion was seconded and approved.

The following summarizes the other actions on the subcommittee recommendations.

1. Expand community-based programs and services for offenders by:
  - Creating a program that offers financial incentives for local governments or service providers to increase community-based programs for offenders. The money would be paid to governments based on an established formula, such as the year-over-year reduction in the number of offenders committed to prison from a particular judicial district. The program would need an initial appropriation, although future funding could come from the money saved by the Department of Corrections due to reduced inmate admissions.
  - Modifying and expanding, particularly in rural areas, the existing system in which district judges operate drug courts and mental health courts to create dual-purpose "treatment courts" capable of handling those with both drug addiction problems and emotional/mental disorders; and as an incentive, providing DOC probation and parole officers when needed. This would address the fact that

many offenders experience both afflictions and many of those with mental health problems are reluctant to submit themselves to a “mental health court” because of the stigma.

- Developing criteria for, and creating, adult “guide homes.” This would be similar to a program already in place for juvenile offenders. These are private homes where residents are willing to take in an adult offender and offer him or her positive role models and mentoring that will put them on the right track.

2. Provide a stipend for a lengthy enough period of time (suggested at least three months) after an offender is released from prison to help them restart their lives. The current release stipend of \$100 is clearly not enough for a homeless, jobless offender to get restarted. This money, which would be administered by the offender’s parole officer, would be used to help a person with critical expenses such as those related to housing, job-hunting and necessities of life. The DOC would pay bills, such as rent and restitution, directly to the vendors.

3. Create separate registries to distinguish violent offenders from sexual offenders, if the change does not violate any national registry requirements.

4. Change the way sexual offenders are categorized by treating those committing status offenses differently when it comes to registration.

5. Help inmates adapt to release into communities by:

- Employing mental health counselors in prisons to help inmates better prepare for release by identifying community mental health services that will ensure a continuum of care for offenders.
- Adding specialized case managers to probation and parole offices to help offenders navigate wrap-around community services needed for their ongoing recovery. Currently, this service is being performed by parole officers who are already overwhelmed with huge workloads and may not be familiar with all of the available and necessary services.

6. Provide additional assistance to sex offenders by:

- Increasing sex offender and chemical dependency treatment capacity in prisons so that inmates do not have to wait long periods for mandatory treatment before they can qualify for parole eligibility.
- Asking the Workforce Development Task Force put greater emphasis on filling the need for more sex offender therapists and other professionals capable of providing increased community treatment opportunities to offenders.
- Doing more to connect sex offenders with individual and group therapy opportunities upon release from prison. Recognizing that sex offenders need lifelong support and therapy, this will ensure they are connected to community therapy opportunities upon release from prison, and utilizing existing private providers where possible.
- Using case managers who specialize in working with sex offenders or the mentally ill offenders.

7. Create a comprehensive database of available offender services and their locations.

## **Public Comment**

Jerry Marble thanked the council and added that he would still like to be on this council.

Jim McDonald, warden, Crossroads Correctional Center, stated that at the Arlee meeting there were statements in Dr. Luana Ross' report about very high levels of violence at the Shelby prison. To refute those comments, the warden provided a letter to the council and a statistical report on the levels of violence at the Shelby prison.

Scott Crichton, executive director, ACLU of Montana, spoke on the great work that the council has been doing. He added that we still have a ways to go, but we are headed in the right direction, but stated that the death penalty processes need change.

Discussion of November meeting agenda and location.  
Mr. Anez will discuss topics and location with Chairman Bohlinger.

## **Adjourn**

Minutes condensed and summarized by Ted Ward, Directors Office, Corrections  
All handouts and reports can be found at the following link:  
<http://cor.mt.gov/Resources/AdvisoryCouncil.asp>